Supplemental Response Under 37 C.F.R. § 1.116
U.S. Appln. No. 09/986,192

Atty. Docket No. Q67062

REMARKS

Summary of Substance of Interview

Applicant thanks the Examiner for the telephonic interview conducted on November 13, 2007. During the interview, Applicant's representative indicated that the comment provided in the Response to Arguments section of the Advisory Action mailed on October 31, 2007 were too general in nature to formulate an adequate response. The Examiner stated that he believed the arguments contained in the Amendment filed on October 4, 2007 did not provide enough specificity.

The Examiner agreed to provide a more focused response to the submission of a Supplemental Response containing more specific arguments.

Claim Rejections

Claims 1, 2, 5 and 8 --- 35 U.S.C. § 102(e)

Claims 1, 2, 5 and 8 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Pat. No. 6,986,159 to Shimoji *et al.* ("Shimoji"). Applicant traverses this rejection.

Addressing claim 1, Applicants respectfully submit that Shimoji does not disclose or suggest at least determining in advance a hierarchical number of said plurality of files to be retained, and acquiring automatically and retaining said plurality of files linked by anchors within each of said plurality of files ranging from said start file to said hierarchical number of files by analyzing said start file, as recited in the claim.

In the Response to Arguments section of the July 23 Office Action, the Examiner cites column 55, lines 30-40 and Fig. 29 of Shimoji as allegedly teaching a management table stored

for each program being retained which includes "storage completion" and "expiration" flags for indicating whether or not the individual files making up the programs have been stored (Office Action, page 2). The Examiner interprets this disclosure as meeting the claimed features of "determining in advance a hierarchical number of said plurality of files to be retained."

Applicant respectfully submits that the cited disclosure of Shimoji, while disclosing an accumulating data management table, discloses that the accumulating data management table is stored as a file included in directories made hierarchical (column 55, lines 30-40). Thus, Shimoji merely discloses that the accumulating data management table is stored in a hierarchical directory structure, but is silent as to determining in advance a hierarchical number of said plurality of files to be retained, as recited in the claim.

As regards the "storage completion" and "expiration" flags disclosed by Shimoji, these flags merely indicate whether all the files have been accumulated, but do not disclose or suggest that a hierarchical number of files has been determined in advance, as claimed by Applicant.

The Examiner further alleges that figure 22 and column 50, lines 23-29 of Shimoji disclose the claim limitation "acquiring automatically said plurality of files linked by anchors ranging from said start file to said hierarchical number of files by analyzing said start file."

As disclosed by Shimoji, however, Fig. 22 illustrates a process of accumulating programs when an instruction of accumulating the program data is not provided (column 50, lines 23-30). Shimoji merely discloses a plurality of elementary streams which repeatedly transmit video images and navigation data, and a management table with flags to indicate whether all files of a program have been stored. Thus, although Shimoji's invention may continue to download files

relating to an interactive broadcast until all files are downloaded, Shimoji does not disclose or

suggest that a hierarchical number of files ranging from a start file to a hierarchical number of

files is automatically acquired based on analyzing a start file, as set forth in the claim.

As explained above, neither the portions of Shimoji cited by the Examiner, nor any other

portions of Shimoji, disclose or suggest the above-noted claimed features. Therefore, claim 1 is

not anticipated by Shimoji and is patentable. Claims 2, 5 and 8 contain features similar to the

features recited in claim 1 and are therefore patentable for similar reasons.

Claims 3, 4, 6, 7 and 9-12 --- 35 U.S.C. § 103(a)

Claims 3, 4, 6, 7 and 9-12 have been rejected under 35 U.S.C. § 103(a) as allegedly being

unpatentable over Shimoji in view of U.S. Pat. No. 6,374,404 to Brotz *et al.* ("Brotz").

The combination of Shimoji and Brotz does not disclose or suggest at least the above-

noted claim features which are incorporated into claims 3, 4, 6, 7 and 9-12 by virtue of their

dependence from one of claims 1, 5 and 8 claims. As established above, Shimoji fails to disclose

or suggest these features. These features are also missing and Brotz.

Brotz discloses receiving and storing a current hypertext document into cache memory

and replacing an old copy of the hypertext document with the current version of the hypertext

document (column 11, lines 5-9). In other words, Brotz discloses a digital TV web page caching

system capable of updating stored web pages which provides a page browsing experience.

However, Brotz does not disclose or suggest at least the features of determining in

advance a hierarchical number of said plurality of files to be retained, and acquiring

automatically said plurality of files linked by anchors ranging from said start file to said

hierarchical number of files by analyzing said start file, which are deficient in Shimoji.

Accordingly, it would not have been obvious to one of ordinary skill in the art at the time

the invention was made to combine the references as attempted by the Examiner since the

attempted combination would still not result in the claimed features.

Thus, claims 3, 4, 6, 7 and 9-12 are patentable over the combined references.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

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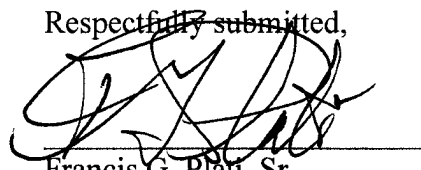overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Francis G. Platt, Sr.
Registration No. 59,153

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

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